

NAME:  
Spencer B. Durham

ADDRESS:  
F.P.C. SCHUYLKILL  
P.O. BOX 670  
MINERSVILLE, P.A. 17954  
03900-082

or PLACE OF CONFINEMENT & PRISON NUMBER

Note: If represented by an attorney, his name, address & telephone number

Note: It is your responsibility to notify the Clerk of the Court, in writing of any change of address

FILED  
SCRANTON

FEB 01 2001

RECEIVED  
SCRANTON

PER *M*

DEPUTY CLERK

MARY E. DUNN

United States District Court

1: CV 01-0205

Spencer B. Durham  
FULL NAME: (Include name under which you were convicted)  
*Petitioner.*

vs.

R.M. Reish, Warden  
NAME OF WARDEN (or other authorized person having custody of petitioner)  
*Respondent.*

CASE NO:

(To be supplied by the clerk of the United States District Court)

PETITION FOR WRIT OF HABEAS CORPUS  
BY A PERSON IN FEDERAL CUSTODY  
28 U.S.C. § 2241

### INSTRUCTIONS - READ CAREFULLY

This petition shall be legibly handwritten or typewritten, signed by the petitioner, under penalty of perjury. You must set forth *CONCISELY* the answer to each question in the proper space on the form. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury.

You must not attach separate pages to this except that *ONE* separate additional page is permitted in answering Question No. 9.

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Upon receipt of a fee of \$5.00, your petition will be filed if it is in proper order.

If you are seeking leave to proceed in forma pauperis (without paying the \$5.00 fee and other court costs), then you must also execute the declaration on the last page, setting forth information which establishes your inability to pay the fees and cost of the proceedings or to give security therefor. If you wish to proceed in forma pauperis, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your prison account exceeds \$25.00, you must pay the filing fee as required by the rule of the district court.

When the petition is completed, the *original and two copies* must be mailed to the Clerk of the United States District Court for the

Only one sentence, conviction or parole matter may be challenged in a single petition. If you challenge more than one, you must do so by separate petitions.

Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

PLEASE COMPLETE THE FOLLOWING: (check appropriate number)

This petition concerns:

1. ☐ a conviction
2. ☐ a sentence
3. ☐ jail or prison conditions
4. ☐ prison discipline
5. ☒ a parole problem
6. ☐ other

## PETITION

1. Place of confinement F.P.C. SCHUYLKILL
2. Name and location of court which imposed sentence WASHINGTON COUNTY COURT, FORT EDWARD  
N.Y. Supreme Court RENSSELAIR COUNTY
3. The indictment number or numbers (if known) upon which, and the offense or offenses for which, sentence was imposed:  
(a) 102-95, 8-10445  
(b) \_\_\_\_\_  
(c) \_\_\_\_\_
4. The date upon which sentence was imposed and the terms of the sentence:  
(a) 1-22-96, 2-4 years  
(b) 3-17-98, 2½-5 years  
(c) \_\_\_\_\_
5. Check whether a finding of guilt was made:  
(a) ☒ After a plea of guilty  
(b) ☐ After a plea of not guilty  
(c) ☐ After a plea of nolo contendere
6. If you were found guilty after a plea of not guilty, check whether that finding was made by:  
(a) ☐ a jury  
(b) ☐ a judge without jury
7. Did you appeal from the judgment of conviction or the imposition of sentence?  
☐ Yes ☒ No
8. If you did appeal, give the following information for each appeal:  
(a)(1) Name of Court \_\_\_\_\_  
(2) Result \_\_\_\_\_  
(3) Date of Result \_\_\_\_\_  
(4) Citation or number of opinion \_\_\_\_\_

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(5) Grounds Raised (*list each*)

(A)

(B)

(C)

(D)

(b)(1) Name of Court

(2) Result

(3) Date of result

(4) Citation or number opinion

(5) Grounds raised (*list each*)

(A)

(B)

(C)

(D)

CAUTION: If you are attacking a sentence imposed under a federal judgment, you must first file a direct appeal or motion under 28 U.S.C. § 2255 in the federal court which entered judgment.

9. State *CONCISELY* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the *facts* supporting each ground. If necessary, attach a SINGLE page only behind this page.

CAUTION: If you fail to set forth all grounds in this petition, you may be barred from presenting additional ground at a later date.

- (a) Ground One Detainer placed by N.Y.S. Divison Of Parole is illegal since such state has refused to give a parole revocation hearing within a reasonable time  
Supporting *FACTS* (tell your story *BRIEFLY* without citing cases or law).

CAUTION: You must state *facts not conclusions* in support of your grounds. A rule of thumb to follow is - who did exactly what to violate your rights at what time or place.

On 12-12-00 the Petitioner sent a letter to N.Y. S. Parole seeking a speedy revocation hearing within 60 days. And asking for a response within 20 days if one were to be granted. No response has been received.

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(b) Ground Two Detainer placed on Petitioner by N.Y. State Parole is Illegal since State has already served warrent on him, and started the process then stoped it, Violati due process.

Supporting FACTS (Tell your story BRIEFLY without citing cases or law).

IN January of 2000 the Petitioner was served with the warrent/notice of violation, noti hearing and a hearing date was scheduled for 2-28-2000 then rescheduled for 2-16-00.

Before that date the U.S. Marshels office called the New York State Divison of Parole informed them that unless they stated there intent, I would be moved to Federal Prison. N was returned and I was moved to F.C.I. Raybrook and to F.P.C. Schuylkill without the p ment of the detainer. In March of 2000, Donald Fries, FROM NEW YORK STATE PAROLE contact

R.A. Kranzel, LIE. of Schuylkill records department and requested that a detainer be p based on the N.Y.S. parole warrent. A Detainer was placed by schuylkill based on the rec

(c) Ground Three

Supporting FACTS (Tell your story BRIEFLY without citing cases or law).

(d) Ground Four

Supporting FACTS (Tell your story BRIEFLY without citing cases or law).

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10. Have you ever filed previous petitions for habeas corpus, motions under Section 2255 of Title 28, United States Code, or any other applications, petitions or motions with respect to this conviction?  
☐ Yes ☒ No

11. If your answer to Question No. 10 was yes, give the following information:

- (a)(1) Name of Court \_\_\_\_\_  
 (2) Nature of proceedings \_\_\_\_\_  
 (3) Grounds raised \_\_\_\_\_  
 \_\_\_\_\_  
 (4) Result \_\_\_\_\_  
 (5) Date of Result \_\_\_\_\_  
 (6) Citation or numbers of any written opinions or orders entered pursuant to each disposition. \_\_\_\_\_  
 \_\_\_\_\_
- (b)(1) Name of Court \_\_\_\_\_  
 (2) Nature of proceedings \_\_\_\_\_  
 (3) Grounds raised \_\_\_\_\_  
 \_\_\_\_\_  
 (4) Result \_\_\_\_\_  
 (5) Date of Result \_\_\_\_\_  
 (6) Citation or numbers of any written opinions or orders entered pursuant to each disposition. \_\_\_\_\_  
 \_\_\_\_\_

12. If you did not file a motion under Section 2255 of Title 28, United States Code, or if you filed such a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention.

I'm challenging a parole warrent out of New York State not a federal Sentence, also  
I have only 15 months of my federal sentence left.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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13. Are you presently represented by counsel? ☐ Yes ☒ No

If so, name, address and telephone number \_\_\_\_\_

Case name and court \_\_\_\_\_

14. If you are seeking leave to proceed in *forma pauperis*, have you completed the declaration setting forth the required information?

☒ Yes ☐ No,

WHEREFORE, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

\_\_\_\_\_  
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on

26th day of January, 2001  
(date)

  
\_\_\_\_\_  
Signature of Petitioner

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